

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Rejection of claims 1-3 under 35 U.S.C. § 102(b)

Claims 1-3 presently stand rejected as being anticipated by Japan 2001-275916 (hereafter Japan '916). This rejection is respectfully traversed for at least the following reasons.

Claim 1 is amended to point out that a packing is provided at a bottom periphery of the lid, a portion of the packing is disposed at a front bottom periphery of the lid, and the free end of the extension member is placed at a location below and behind the portion of the packing.

Referring to the present application at lines 23-24 of page 13, it is clear that a packing 78 is provided at a bottom periphery of a lid 60 and an inner tub 34 is sealed with the packing 78. Further, with reference to FIG. 14 and lines 7-17 of page 14, it is obvious that a free end of an extension member 57 is located at a location below a portion of the packing 78 and behind the portion of the packing 78, the portion of the packing being disposed at a front bottom periphery of the lid 60. Accordingly, all of the amendments are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter, and therefore meet the written description requirement of the first paragraph of 35 U.S.C. 112.

It is respectfully submitted that Japan fails to disclose or suggest the packing recited in claim 1, and more particularly that a free end of an extension member is placed below and behind a portion of the packing, wherein the packing is disposed at the bottom periphery of the lid.

By way of review, the present invention, as defined in the amended claim 1, is directed to a slide opening type dishwasher capable of retracting a washer tub into a main

body of the dishwasher without being hindered by a lid for closing an open top of the washer tub and by a packing provided in a bottom periphery of the lid

The extension member 57 is designed in such a manner that, when the washer tub 32 is fully extracted, i.e., up to a position of maximum extraction and the inner rear wall of the washer tub is located in front of the front end of the main body, the free end "E" of the extension member is positioned at a location below the central portion of the lid 60 and behind the front bottom end "D" of the lid 60.

Furthermore, the free end "E" is placed at a location below a portion of the packing and behind the portion of the packing, the portion of the packing being disposed at a front bottom periphery of the lid. Therefore, while the washer tub 32 is retracted into the main body 31, the extension member 57 can move along a bottom surface of the lid 60, guiding the washer tub 32 to the tub accommodation position without being hindered by the front upper end "C" and/or the front bottom end "D" of the lid 60, and without making any damage of the packing 78 (page 14, lines 7-17 and FIG 14).

In contrast, Japan'916 discloses a highly reliable dishwasher by stably moving a lid body in a backward and lower direction and stably securing the blockage between a cleaning tank and the lid body of the dishwasher to clean tableware by jetting cleaning water from a cleaning nozzle toward the tableware. However, Japan'916 is totally silent any teaching or suggestion that the free end of an extension member is placed at the location below and behind a portion of a packing, the portion of the packing being disposed at the front bottom periphery of the lid.

Therefore, Japan '916 does not anticipate claim 1 since Japan '916 fails to disclose or suggest each and every element set forth in claim 1. Accordingly, it is respectfully submitted that claim 1 and claims 2-4 which depend from claim 1 are allowable over the cited reference, and withdrawal of the rejection is respectfully requested.

Rejection of claim 4 under 35 U.S.C. § 103(a)

Claim 4 presently stands rejected as being unpatentable over Japan '916. This rejection is respectfully traversed for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981,180 USPQ 580 (CCPA 1974). "All words in a Claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2D 1382, 1385, 165 USPQ 494,496 (CCPA 1970). If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596(Fed. Cir.1998).

Applicant notes that claim 4 depends from claim 1, which is allowable as discussed above because Japan '916 fails to disclose or suggest each and every element set forth in claim 1. Therefore, claim 4 is allowable over Japan '916 at least due to its dependency from claim 1.

Conclusion

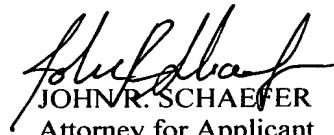
In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-4 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

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JOHN R. SCHAEFER
Attorney for Applicant
Registration No. 47,921